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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,949	05/11/2006	Thorsten Bendel	Y05Y013	3568

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EXAMINER
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MERLINO, ALYSON MARIE

ART UNIT	PAPER NUMBER
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3673

MAIL DATE	DELIVERY MODE
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11/09/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,949	<b>Applicant(s)</b> BENDEL, THORSTEN	
	<b>Examiner</b> ALYSON M. MERLINO	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 and 01 July 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The examiner acknowledges applicant's amendments to claims 1 and 3-7, the cancellation of claims 2 and 8-10, and the addition of new claims 11-16 filed 11 August 2010.

### ***Claim Objections***

2. **Claims 1 and 11 are objected to** because of the following informalities:
  - a. In regards to claim 1, line 13, the phrase "of the locking mechanism" should be inserted after the word "catch" to clearly relate the catch as a component of the locking mechanism.
  - b. In regards to claim 11, line 2 of the claim, the limitation "having a catch and a pawl" should be inserted after the phrase "a locking mechanism" to alleviate lack of antecedent basis issues in lines 20 and 21 of the claim, and in line 20 of the claim, the phrase "said operating lever of said pawl" should be changed to "said operating lever with said pawl" in accordance with the rejection under 35 U.S.C. 112, second paragraph, below. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. **Claims 1, 3-7, and 11-16 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. **In regards to claim 1**, it is unclear how the pawl and catch open the locking mechanism, since the locking mechanism consists of the pawl and catch, when it is clear that the pawl releases the catch to place the locking mechanism in an open state. Furthermore, it is unclear what applicant intends to claim with the phrase “reliably opened” in reference to the locking mechanism, when it is clear that the disk, pawl, and lever are maintained in an opening position until the catch rotates to its fully open position, which is not clearly recited in the claim language. Moreover, the claim language recites that the locking mechanism has an opening position and that the drive disk has the same opening position. Therefore, the claim language is unclear as to whether the drive disk has a separate opening position from the opening position of the locking mechanism and the relationship between the two opening positions. If applicant intends to claim that the drive disk has a separate opening position from the opening state of the locking mechanism, then the claim language should reflect this. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

6. **In regards to claim 2**, the claim recites “the stationary stop” however claim 1 does not recite limitations drawn to the stationary stop.

7. **In regards to claim 11**, in lines 21-23, it is unclear how the pawl releases the catch and opens the locking mechanism to an opening position, when it is clear that the locking mechanism consists of the pawl and the catch, when it is clear that the pawl releases the catch to place the locking mechanism in an open state. Furthermore, it is unclear what applicant intends to claim with the phrase “reliably opened” in reference to

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the locking mechanism, when it is clear that the disk, pawl, and lever are maintained in an opening position until the catch rotates to its fully open position, which is not clearly recited in the claim language. Moreover, the claim language recites that the locking mechanism has an opening position and that the drive disk has the same opening position. Therefore, the claim language is unclear as to whether the drive disk has a separate opening position from the opening position of the locking mechanism and the relationship between the two opening positions. If applicant intends to claim that the drive disk has a separate opening position from the opening state of the locking mechanism, then the claim language should reflect this. Also, in regards to lines 38 and 39, it is unclear how the operating lever is held in a pawl released position, when the specification does not discuss this position being held when the drive disk is being moved in the reverse direction. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

***Allowable Subject Matter***

8. **Claims 1, 3-7, and 11-16 would be allowable** if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1 and 3-7 have been considered but are moot in view of the new ground(s) of rejection.

10. The examiner appreciates applicant's amendments to claim 1, and therefore, the claim objection set forth in the previous office action is withdrawn.

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11. The examiner appreciates applicant's amendments to claims 1 and 3, and therefore, the rejections of claims 1 and 3-10 under 35 U.S.C. 112, second paragraph, set forth in the previous office action are withdrawn. Since applicant canceled claim 9, the rejection of claim 9 under 35 U.S.C. 112, second paragraph, set forth in the previous office action is moot.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM  
November 5, 2010

/Carlos Lugo/  
Primary Examiner, Art Unit 3673